

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, May 31, 2006

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith.

MEMBER ABSENT/EXCUSED: Representatives Lipsey and McConico.

Representative Bieda moved to adopt the minutes of the **May 24, 2006** meeting. The motion was supported by **Representative Nofs**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 5193** and **HB 5194** before the committee:

HB 5193	Baxter	Corrections; prisoners; address where prisoners who are sex offenders will reside; require department of corrections to provide before prisoner is released.
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HB 5194	Baxter	Corrections; prisoners; prisoners who are sex offenders; require to provide address to department of corrections before being released.
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TESTIMONY

Representative Baxter, sponsor of HB 5193 and HB 5194, explained his bills to the committee.

David Elwell, representing the Columbia Township Police, testified in support of the bills.

Bret Henderson, representing the Deputy Sheriffs Association of Michigan (DSAM), submitted a card in support of the bills and did not wish to speak.

Phil Hoffman, representing the Michigan Sheriffs Association, submitted a card in support of the bills and did not wish to speak.

Chairman Van Regenmorter laid **HB 5914** and **HB 5915** before the committee:

HB 5914	Amos	Crimes; other; leaving children unattended in a vehicle; prohibit under certain circumstances and provide penalties.
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HB 5915 David Law Criminal procedure; sentencing guidelines; sentencing guidelines for crime of leaving child unattended in a vehicle; enact.

TESTIMONY

Representative Amos, sponsor of HB 5914, explained her bill to the committee.

Representative David Law, sponsor of HB 5915, explained his bill to the committee.

Undersheriff Mike McCabe, representing Oakland County Sheriff Mike Bouchard, testified in support of the bills.

Jeff Sauter, Eaton County Prosecuting Attorney, testified in support of the bills.

Phil Hoffman, representing the Michigan Sheriffs Association, submitted a card in support of the bill in concept and did not wish to speak.

Chairman Van Regenmorter laid **SB 541** before the committee:

SB 541 Sanborn Torts; civil procedure; revised structured settlement protection act; enact.

TESTIMONY

Peter Langley, representing Senator Sanborn's office, testified in support of the bill.

Andrew Richner and **Earl Nesbitt**, representing the National Association of Settlement Purchasers (NASP), testified in support of the bill.

Matt Bracy, representing NASP and Settlement Capital Corporation, testified in support of the bill.

Mark Burton, representing the Michigan Trial Lawyers Association, submitted a card indicating neutrality on the bill and did not wish to speak.

Chairman Van Regenmorter laid **SB 1146** and **SB 1147** before the committee:

SB 1146 Cropsey Crimes; other; penalties for knowingly or willfully concealing or harboring certain individuals; provide.

SB 1147 Van Woerkom Criminal procedure; sentencing guidelines; sentencing guidelines for crime of harboring a person for whom a felony warrant has been issued; enact.

TESTIMONY

John Lazet, representing Senator Cropsey's office, testified in support of the bills.

Greg Zarotney, representing the Michigan State Police, testified in support of HB 1146.

The committee returned to the consideration of **HB 5193**.

Chairman Van Regenmorter offered the following amendments to **HB 5193**:

1. Amend page 4, following line 21, by inserting:
"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted." and renumbering the remaining enacting section.
2. Amend page 4, line 23, after "unless" by striking out the balance of the line through "03702'05 a)" on line 24 and inserting "House Bill No. 5194".

Representative Newell moved to adopt the amendments. The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca, Condino, Adamini and Virgil Smith,

Nays: None,

Pass: None.

Representative Condino moved to report **HB 5193** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Condino, Adamini and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5194**.

Representative Newell moved to adopt the substitute (**H-2**) to **HB 5194**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Chairman Van Regenmorter offered the following amendment to **HB 5194 (H-2)**:

1. Amend page 5, line 23, after "**WHO**" by inserting "**REFUSES TO PROVIDE NOTICE OF THE LOCATION OF HIS OR HER PROPOSED PLACE OF RESIDENCE OR DOMICILE OR**".

Representative Jones moved to adopt the amendment. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Bieda moved to report **HB 5194** with recommendation, as substitute **(H-3)**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5914**.

Representative Condino moved to adopt the substitute **(H-2)** to **HB 5914**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter offered the following amendment to **HB 5914 (H-2)**:

1. Amend page 2, following line 22, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2007."

Representative Condino moved to adopt the amendment. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Newell moved to report **HB 5914** with recommendation, as substitute **(H-3)**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5915**.

Chairman Van Regenmorter offered the following amendment to **HB 5915**:

1. Amend page 4, following line 4, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2007." and renumbering the remaining enacting section.

Representative Nofs moved to adopt the amendment. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative David Law moved to report **HB 5915** with recommendation, as amended. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 541**.

Representative Elsenheimer offered the following amendments to **SB 541**:

1. Amend page 5, line 9, after "rights." by inserting "Transfer does not include a disclaimer that complies with part 9 of the estates and protected individuals code, 1998 PA 386, MCL 700.2901 to 700.2912."
2. Amend page 11, line 8, by striking out "Enacting section 1." and inserting "Sec. 9."

3. Amend page 11, following line 10, by inserting:
“Sec. 10. This act takes effect September 1, 2006.”.

Representative Elsenheimer moved to adopt the amendments. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Nofs moved to report **SB 541** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 1146**.

Representative Nofs moved to adopt the substitute **(H-1)** to **SB 1146**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Chairman Van Regenmorter offered the following amendment to **SB 1146 (H-1)**:

1. Amend page 2, line 9, after “**CONCEALMENT**” by inserting “**FROM A PEACE OFFICER**”.

Representative Nofs moved to adopt the amendment. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Bieda and Virgil Smith,

Nays: None,

Pass: Representative Adamini.

Representative Nofs moved to report **SB 1146** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **10-0-3**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca and Bieda,

Nays: None,

Pass: Representatives Condino, Adamini and Virgil Smith.

The committee returned to the consideration of **SB 1147**.

Representative Nofs moved to report **SB 1147** with recommendation. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **9-0-4**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law and Rocca,

Nays: None,

Pass: Representatives Condino, Adamini, Bieda and Virgil Smith.

Chairman Van Regenmorter laid **SB 1110** before the committee:

SB 1110 Garcia Criminal procedure; probation; allowable term of probation for misdemeanor child abuse; increase.

TESTIMONY

Tony Snyder, from Senator Garcia's office, testified in support of the bill.

Chairman Van Regenmorter offered the following amendments to **SB 1110**:

1. Amend page 1, line 9, by striking out all of subsection (**2**) and renumbering the remaining subsections.

2. Amend page 2, following line 11, by inserting:

"(3) THE COURT MAY PLACE AN INDIVIDUAL CONVICTED OF A VIOLATION OF SECTION 136B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B, THAT IS DESIGNATED AS A MISDEMEANOR ON PROBATION FOR NOT MORE THAN 5 YEARS." and renumbering the remaining subsections.

Representative Elsenheimer moved to adopt the amendments. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Rocca moved to report **SB 1110** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Bieda moved to excuse Representatives Lipsey and McConico from the committee. The motion was supported by **Representative Elsenheimer**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:52 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour and 22 Minutes